

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 041497 PC		FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CN2004/000236	International filing date (day/month/year) 22.Mar2004(22.03.2004)	Priority date (day/month/year) 07.May2003(07.05.2003)	
International Patent Classification (IPC) or national classification and IPC IPC ⁷ A63B23/20			
Applicant LI,Rongde			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>1</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 19.Apr2004(19.04.2004)		Date of completion of this report 30.Jun2005(30.06.2004)	
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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:

pages _____ as originally filed/furnished
 pages * _____ received by this Authority on _____
 pages * _____ received by this Authority on _____

☐ the claims:

pages _____ as originally filed/furnished
 pages * _____ as amended (together with any statement) under Article 19
 pages * _____ received by this Authority on _____
 pages * _____ received by this Authority on _____

☐ the drawings:

pages _____ as originally filed/furnished
 pages * _____ received by this Authority on _____
 pages * _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. 3
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☒ the claims, Nos. 1
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

This questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 3

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination(*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☒ the claims, or said claims Nos. 3 are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims 1-2	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1-2	NO
Industrial applicability (IA)	Claims 1-2	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

D1 (US,A,20020142896)discloses an exercise device for the muscles of the pelvic floor,the exercise device in the fifth embodiment comprises a cylindrical membrane 470(corresponding to the cylindrical shell in this application), a sealed space (corresponding to the cavum in this application)formed by the cylindrical membrane with fluid therein(see D1,page 5,paragraph 88,line 1-paragraph 89,line 14 and figures 35-37). The subject-matter of D1 differs from the fifth embodiment in that the cylindrical shell is elastic.However, in the first embodiment of the D1 (see D1,page4,paragraph 79,line 43-45) ,a membrane made from foam rubber is disclosed .The foam rubber is a kind of elastic material ,so the different feature has been disclosed. It is obvious for the skilled person in the art to combine the first embodiment to the fifth embodiment so as to achieve the technical solution of claim 1.Hence, the subject-matter of claim 1 does not meet the requirement of the Article 33(3)PCT in respect of inventive step.

The additional technical features of dependent claim 2 is also disclosed by D1(see D1,page 5,paragraph 88,line 1-paragraph 89,line 14 ; page 4,paragraph 79,line 43-45 and figures 35-37), and the function of the features of D1 is the same as that of claim 2.Hence, claim 2 does not meet the requirement of the Article 33(3)PCT in respect of inventive step.

Obviously, claims 1-2 meet the requirement of Article.33 (4) PCT.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The features "at least two approximate half-elliptic elastic rings is enclosed in said outer shell, every half-elliptic elastic rings is jointed at its both ends" in claim 3 are not consistent with what are stated in the description. According to the description, two elastomers is enclosed into said outer shell, and the shape of the elastomers is the same as a hollow rubber, every elastomer consists of 4 half-elliptic elastic rings. Obviously, claim 3 is not consistent with what is stated in the description, so it is not fully supported by the description. Hence, claim 3 does not meet the requirement of Article 6 PCT.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Claim 1 doesn't meet the requirement of Article.19 (2) PCT since it goes beyond the disclosure contained in the initial description and claims. On one side, the element with a damping hole is different from the damping sheet according to the amendment claim 1, but the element with a damping hole is the same element as the damping sheet according to the disclosure contained in the initial description and claims. Obviously, the amendment claim 1 is not consistent with what is stated in the initial description and claims. On the other side, some technical features in the amendment claim 1, such as 'the damper' and 'a rotation set, a movement set or a columnar set is formed between the damper or the damping sheet and the element with a damping hole', don't contained in the initial description and claims.

权 利 要 求

1. 一种女性阴道肌肉锻炼器，其特征在于：它至少由一个有弹性的柱状外壳、流体、至少一个阻尼体或阻尼片、至少一个带有阻尼孔的物体组成，流体位于弹性外壳内部，流体通过阻尼孔时产生阻力，阻尼体或阻尼片与带有阻尼孔的物体形成转动副或者移动副或者圆柱副，通过调整阻尼体或阻尼片与阻尼孔之间的相对位置，来调整流体通过阻尼孔的阻力。

2. 如权利要求 1 所述的女性阴道肌肉锻炼器，其特征在于：所述的全套训练器由至少两组不同直径的单独训练器组成。